IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

And
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT APPEAL NO : 453 of 2004

(Writ Appeal under Clause 15 of the Letter Patent against the Order dated 06-04-1999 in W.P. No. 20412 of 1996 on the file of the High Court.)

Between:

1 K.Karuna, D/o Balkrishna Reddy, Aged 41 years, School

Assistant, H.No.A-69, SBH Colony, Saidabad, Hyderabad .
2 D.Srinivas Reddy, S/o. Tirupathaiah, aged about 35 years,

Junior Assistant, H.No.A-69, SBH Colony, Saidabad,

Hyderabad.

... APPELLANTS

AND

1 The Regional Joint Director of School Education,
Khairatabad, Hyderabad.
2 The District Education Officer,
Ranga Reddy District, Secunderabad.
3 St. Nicholas High School, Kamala Nagar, Vanasthalipuram ,

Ranga Reddy District, Rep. By its Correspondent.
4 K.Harinarayana, S/o. Krishna Murthy, aged about 31 years,
Hyderabad.

(4th respondent not necessary)

...RESPONDENTS

Counsel for the Appellants: MR.Y.SUBBA RAO

Counsel for the Respondents 1 and 2: GP FOR SCHOOL EDUCATION

The Court made the following Judgment:

(Per Hon'ble Sri Justice B. Sudershan Reddy)

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Learned Single Judge disposed of the Writ Petition filed by the appellants/petitioners and the 3rd respondent herein challenging the order passed by the Regional Joint Director of School Education, dated 04-09-1996 and also seeking directions to absorb them into the aided posts already sanctioned keeping in view, the report of the 2nd respondent-District Education Officer, Ranga Reddy District, dated 24-12-1994 and 06-05-1996.

Learned Single Judge disposed of the Writ Petition in the following manner:

> "Similar writ petitions-Writ petition No.20822/1996 and batch-were partly allowed by this Court by Judgment dt-31-3-99. Following the said decision, this writ petition is also allowed in part in terms of the decision referred to above. No costs.

That Rule Nisi has been made absolute as above."

Learned counsel for the appellant submitted that the order passed by the learned Single Judge in W.P.No.20822 of 1996 dated 31-03-1999 itself was modified by this Court in W.A. Nos. 650 & 663 of 2003 and 2303 of 2003 dated 09-06-2003 and 06-01-2004 respectively, directing the 1st respondent to pass appropriate orders on the premise that they were appointed prior to issuance of G.O.Ms.No.524, dated 20-12-1988 in the School in question.

In the normal course, we would have followed the said order and disposed of the writ petition in the same manner. But, learned Government Pleader for School Education appearing on behalf of the 1st and 2nd respondents placed before us the averments made in the counter affidavit filed by the Regional Director dated 14-04-2004 in which it is *inter alia* stated that the appeals already preferred by the appellants/petitioners were rejected by the Regional Joint Director of School Education, Hyderabad vide proceedings Rc.No.2364/B4/99, dated 03-11-2000. In view of the rejection, the appellants are not entitled to file these appeals ignoring the subsequent development after disposal of the writ petition by the learned single Judge. We find substantial merit in the submission made by the learned Government Pleader for School Education that in the light of the subsequent events, the same relief as was granted to the writ appellants in Writ Petition No. 20822 of 1996 dated 31-03-1999 cannot be granted to these appellants/petitioners, unless they challenge the order passed by the Regional Joint Director of School Education dated 03-11-2000.

In the circumstances, leave is granted to the appellants herein to challenge the order dated 03-11-2000, if they are so advised. This order shall not preclude the appellants to seek restoration of the writ petition for disposal on merits.

This order shall not come in the way of the appellants for seeking such restoration, and in case, if any such application is filed, the same is required to be considered in accordance with law.

The Writ Appeal shall accordingly stand dismissed. No order as to costs.

(B. Sudershan Reddy, J)

26..07..2004

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(K.C. Bhanu, J)

vs/pv

To

1. The Regional Joint Director of School Education,
   Khairatabad, Hyderabad.
2 The District Education Officer,
   Ranga Reddy Dist, Secunderabad.

3 Two CCs to the G.P for School Education, High Court of A.P., Hyderabad. (O.U.T).

4. 2 CD copies